

Before the
Federal Communications Commission
Washington, D.C. 20554

2000 OCT 19 P 2:47

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. <u>99-313</u> ,
Table of Allotments,)	RM-9753
FM Broadcast Stations.)	
(Greenwood and Mauldin, South Carolina))	

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REPORT AND ORDER

(Proceeding Terminated)

Adopted: October 4, 2000;

Released: October 13, 2000

By the Chief, Allocations Branch:

1. At the request of Sutton Radiocasting Corporation ("petitioner"), licensee of Station WCRS-FM, Channel 244A, Greenwood, South Carolina, the Allocations Branch has before it the Notice of Proposed Rule Making, 14 FCC Rcd 17772 (1999), proposing the reallocation of Channel 244A from Greenwood to Mauldin, South Carolina, and the modification of Station WCRS-FM's license accordingly. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if reallocated to Mauldin. Petitioner also filed reply comments.

2. The proposed reallocation was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permit the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Change of Community"). As stated in the Notice, Mauldin is an incorporated community with panoply of governmental services, and has a 1990 U.S. Census population of 11,662—an increase of 41% from its 1980 Census population. Mauldin has a mayor, city council, its own sewer department, fire and police departments, churches, city parks, and numerous civic organizations—such as Lions Club, two Rotary Clubs and the Mauldin Economic Development Committee. It also is home to over 300 industries; its 107 retail businesses, employing more than 1,259 persons, and generating an annual payroll of nearly \$12 million. It also has a 21 wholesale businesses which have an annual payroll of over \$4 million. Mauldin's largest employers are Kemet Electronics Corp. (4,900 employees), and the Bi-Lo Grocery Chain (2,100 employees).

3. In considering a change of community of license proposal, we must determine whether the

proposal would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. See Change Community, supra. Under those procedures, we compare the existing arrangement of allotments with the proposed arrangement of allotments using our FM allotment priorities.¹ See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

4. In making this comparison, we find that the proposed arrangement of allotment triggers priority (3)--first local service. Under this priority, Mauldin would receive its first local aural transmission service, without depriving Greenwood (population 20,807) of its sole local service, whereas one full-time AM and FM station would remain licensed to the community.² Moreover, both Greenwood and Mauldin will continue to receive at least five reception services and are considered to be well-served. The relocation of Station WCRS-FM's transmitter site will result in a loss of reception service to an area of 2,467.21 square kilometers (952.59 square miles) with a population of 81,363 persons. However, both the loss and gain areas will continue to receive five or more reception services. The gain area will encompass 2,489.03 square kilometers (961.02 square miles) with a population of 328,613 persons. Since the reallocation of Channel 244A to Mauldin will provide a 70 dBu signal over only 26.7% of the Greenville, South Carolina Urbanized Area, a Tuck analysis is not necessary.³

5. We believe the public interest would be served by reallocating Channel 244A from Greenwood to Mauldin, South Carolina, since it would provide the community's with its first local aural transmission service, and enable Station WCRS-FM to expand its service area. An engineering analysis has determined that Channel 244A can be reallocated to Mauldin in compliance with the Commission's minimum distance separation requirement with a site restriction of 10.7 kilometers (6.7 miles) south to avoid short-spacings to the licensed sites of Station WKKT(FM), Channel 245C, Statesville, North Carolina, and Station WNCC-FM, Channel 244A, Franklin, North Carolina.⁴ In accordance with Section 1.420(i) of the Commission's Rules, we modify Station WCRS-FM's license to specify operation on Channel 244A at Mauldin, South Carolina, as its new community of license.

6. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and

¹ The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight given to priorities (2) and (3).]

² The community also has two daytime-only stations.

³ See Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995); Huntington Broadcasting Co. v. FCC, 192 F.2d 33 (D.C. Cir. 1951); RKO General, Inc., 5 FCC Rcd 3222 (1990); and Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).

⁴ The coordinates for Channel 244A at Mauldin are 34-41-30 North Latitude and 82-17-02 West Longitude.

0.283 of the Commission's Rules, IT IS ORDERED, That effective, November 27, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Greenwood, South Carolina	278C3
Mauldin, South Carolina	244A

7. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Sutton Radiocasting Corporation, for Station WCRS-FM, Greenwood, South Carolina IS MODIFIED to specify operation on Channel 244A at Mauldin, South Carolina, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Sutton Radiocasting Corporation, licensee of Station WCRS-FM, is required to submit a rule making fee addition to the fee required for the application to effect the change in community of license.

9. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to petitioner, as follows:

Sutton Radiocasting Corporation
Post Office Box 5
Union, South Carolina 29379

10. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

11. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**